UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:11-CR-00350-F-1
No. 5:14-CV-00423-F

ISIAH DENZEL YOUNG,

Petitioner,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

Having examined Petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

Petitioner has arguably stated a claim under *Simmons*. The court finds that Petitioner is not entitled to the appointment of counsel pursuant to Standing Order No. 11-SO-3 (E.D.N.C. Oct. 18, 2011) because attorney Devon Donahue was previously appointed to determine if Petitioner qualified for relief under *Simmons*.

SO ORDERED.

This **29** day of July, 2014.

SENIOR UNITED STATES DISTRICT JUDGE